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5 Attorneys for Plaintiffs Johnny and Anna Johnson;
6 Rudy and Diana Johnson

7 **UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Johnny Johnson and Anna Johnson, husband
10 and wife; Rudy Johnson and Diana Johnson,
husband and wife,

11 Plaintiffs,

12 v.

13 Defined Benefit Plan of Bill Johnson's
14 Restaurants, Inc.; Bill Johnson's
15 Restaurants, Inc., an Arizona Corporation;
16 Harrell Dean Cameron and John Doe
17 Cameron, husband and wife; Sherry Novak
and John Doe Novak, wife and husband;
Sherry Cameron and John Doe Cameron,
wife and husband; and Robert A. Royal and
Jane Doe Royal,

18 Defendants.

No. CV11-1605-PHX-GMS

NOTICE OF DISMISSAL

19 Plaintiffs Johnny and Anna Johnson, and Rudy and Diana Johnson, respectfully file this
20 Notice of Dismissal pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, dismissing
21 its Complaint without prejudice. This motion is supported by the following memorandum of
22 points and authorities.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 Plaintiff filed its complaint on July 22, 2011 in Superior Court of the State of Arizona
25 in Maricopa County. Bill Johnson's Restaurant, Inc. filed for bankruptcy protection after this
26 case was filed and then one of the Defendants filed to remove this case from state court to

1 federal court. No party has filed an answer nor a motion for summary judgment.

2 RESPECTFULLY SUBMITTED this 23rd day of August, 2011.

3 **MAYNARD CRONIN ERICKSON**
4 **CURRAN & REITER, P.L.C.**

5 By /s/Daniel D. Maynard
6 Daniel D. Maynard
7 3200 North Central Avenue, Ste. 1800
8 Phoenix, Arizona 85012-2443
9 Attorneys for Plaintiffs Johnny and Anna
10 Johnson; Rudy and Diana Johnson

11 **ORIGINAL** of the foregoing e-filed this 23rd day of August, 2011, with:

12 Clerk of the Court
13 United States District Court
14 401 W. Washington
15 Phoenix, AZ 85003

16 **COPY** of the foregoing electronically delivered this 23rd day of August, 2011, to:

17 Honorable G. Murray Snow
18 United States District Court
19 401 W. Washington
20 Phoenix, AZ 85003

21 John P. Flynn, Esq.
22 Todd A. Williams
23 Dioguardi Flynn, LLP
24 7001 N. Scottsdale Road, Ste. 2060
25 Scottsdale, AZ 85253

26 By /s/Stacey Tanner